

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

SVB FINANCIAL GROUP and SILICON VALLEY BANK,	)	
	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No.
	)	
FEDERAL INSURANCE COMPANY and BERKLEY REGIONAL INSURANCE COMPANY,	)	
	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332(a), 1441(b), and 1446, Federal Insurance Company (“Federal”), with the express consent of Berkley Regional Insurance Company (“Berkley”), submits its notice of removal and removes this the civil action (bearing the Case Number 23-CVS-001199) from the General Court of Justice, Superior Court Division, of Wake County, North Carolina to the United States District Court for the Eastern District of North Carolina. Pursuant to 28 U.S.C. § 1446(a), Federal states as follows:

**BACKGROUND**

1. On January 30, 2023, SVB Financial Group and Silicon Valley Bank (“Plaintiffs”) filed a Complaint in the General Court of Justice, Superior Court Division, of Wake County, North Carolina, against Defendants alleging that Federal wrongfully denied coverage under a Financial Institution Bond. (Compl., ¶ 10-11).

2. Pursuant to 28 U.S.C. § 1446(a), a copy of the process and pleadings served on Federal is attached hereto. **Exhibit 1** is the summons served on Federal. **Exhibit 2** is a copy of

the complaint served on Federal. **Exhibit 3** is the notice of conditional designation as a mandatory complex business case served on Federal.

3. Pursuant to 28 U.S.C. § 1446(a), a copy of the process and pleadings served on Berkley is attached hereto. **Exhibit 4** is the summons served on Berkley. **Exhibit 5** is a copy of the complaint served on Berkley. **Exhibit 6** is the notice of conditional designation as a mandatory complex business case served on Berkley.

### **VENUE AND SUBJECT MATTER JURISDICTION**

4. The Superior Court of the State of North Carolina for the County of Wake is located within this District. Pursuant to 28 U.S.C. § 1446(a), Federal files this notice as required “in the district court of the United States for the district and division within which such action is pending.”

5. Federal removed this case to this district pursuant to 28 U.S.C. §§ 1391 and 1441(a) because Plaintiffs engage in business in Wake County and Plaintiffs allege a loss occurring within this District. (Compl. ¶ 18). Federal reserves its right to challenge venue.

6. This Court has subject matter jurisdiction under 28 U.S.C. § 1332(a) because (1) there is complete diversity of citizenship between Plaintiffs and Defendants; (2) the amount in controversy exceeds \$75,000, exclusive of interests and costs; and (3) all other requirements for removal have been satisfied.

### **DIVERSITY JURIDICITION**

7. For purposes of diversity jurisdiction, a corporation is “a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business . . . .” 28 U.S.C. § 1332(c)(1).

8. SVB Financial Group is a Delaware corporation and maintains its principal place of business in California. (Compl. ¶ 12).

9. Silicon Valley Bank is a California corporation, and maintains its principal place of business in California. (Compl. ¶ 13).

10. Federal Insurance Company (“Federal”) is an Indiana corporation with its principal place of business in New Jersey.

11. Berkley Regional Insurance Company (“Berkley”) is an Iowa corporation with its principal place of business in Iowa.

12. There is complete diversity of citizenship because Federal is a citizen of Indiana and New Jersey, Berkley is a citizen of Iowa, SVB Financial Group is a citizen of Delaware and California, and Silicon Valley Bank is a citizen of California.

13. In this case, Plaintiffs’ purported damages are \$73 million (Compl., ¶ 9). Therefore, the amount in controversy exceeds the \$75,000 jurisdictional threshold.

#### **OTHER REMOVAL REQUIREMENTS**

14. On January 31, 2023, Plaintiffs served Federal with the Complaint.

15. The last day to file a Notice of Removal is within thirty days of service of the Complaint. Pursuant to 28 U.S.C. § 1446(b)(1), this Notice of Removal is timely filed.

16. Berkley consents to removal, as reflected in the Consent to Removal attached hereto as **Exhibit 7**.

17. Pursuant to Local Rule 5.3(a)(1), a Civil Cover Sheet is attached hereto as **Exhibit 8**; and a Supplemental Removal Cover Sheet is attached hereto as **Exhibit 9**.

18. Written notice of the filing of this Notice of Removal will be given to the parties as required by law.

19. A copy of this Notice of Removal will be filed with the General Court of Justice, Superior Court Division for Wake County, North Carolina as required by law.

## CONCLUSION

20. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332(a), and this action is one which may be removed to federal district court by Federal pursuant to 28 U.S.C. §§ 1441(b) and 1446(a), as there is complete diversity in citizenship between the Plaintiffs and Defendants, and because the amount in controversy, as set forth above, exceeds \$75,000, exclusive of interest and costs.

**WHEREFORE**, Federal hereby removes this action to the United States District Court for the Eastern District of North Carolina and prays this Court assumes jurisdiction over this action from the General Court of Justice, Superior Court Division of Wake County, North Carolina. By filing this Notice of Removal, Federal does not waive any defenses that may be available to it and reserves all such defenses.

Plaintiffs are hereby notified to proceed no further in state court.

Dated: February 27, 2023.

Respectfully submitted,

/s/ Suzanne R. Walker

Suzanne R. Walker

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Attorneys for Defendant, Federal Insurance  
Company

### **CERTIFICATE OF SERVICE**

I hereby certify that on February 27, 2023, I electronically filed the foregoing Notice of Removal with the Clerk of Court using the CM/ECF system. Further, I hereby certify that I have caused a copy of this Notice of Removal to be served on counsel at the following addresses through the United States mail:

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This the 27th day of February, 2022.

Gordon Rees Scully Mansukhani, LLP

By: /s/ Suzanne R. Walker  
Suzanne R. Walker